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REMARKS

Claims 1-5 are pending in this application. All of the pending claims were rejected. Claims 1 and 4 are currently amended. Support for the claim amendments can be found, *inter alia*, in the Title of the Invention - Apparatus for Selecting an Optimum Access Point in a Wireless Network on a Common Channel (emphasis added). Reconsideration is respectfully requested.

Claim 4 was subject to objection because of indefiniteness regarding the terms "x" and "y." The Office suggests that the terms most likely refer to real numbers but also suggests that the claim be amended to limit those terms to integers. Applicant believes that the "integer" limitation would be unnecessarily limiting, but has amended claim 4 to recite that "x" and "y" are real numbers. Withdrawal of the objection is therefore requested.

Claims 1-5 were rejected under 35 U.S.C. §103(a) over English in view of Slovin. Claim 1 has been amended to recite that the wireless device ascertains whether to attempt to associate with an alternative access point operating on the same channel as the current access point. Applicant is unable to find any such teaching in the cited references. Indeed, Slovin teaches at col. 5, lines 29-32 that frequency data is maintained, thereby suggesting that the access points operate on different frequencies. It is reasonable to conclude that neither Slovin nor English teach a technique applicable to AP selection on a common channel because, in addition to the counter-teaching above, network planners typically avoid having overlapping APs operating on the same channel. Withdrawal of the rejection of claim 1 is therefore requested.

Claims 2-5 are dependent claims which further distinguish the invention, and which are allowable for the same reasons as claim 1. Withdrawal of the rejections of claims 2-5 based on the combination of English and Slovin is therefore requested.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-4001 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

Holmes W. Anderson
Holmes W. Anderson, Reg. No. 37,272
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-4001

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